

The Appeals Board finds that the issue raised by the claimant is whether his need for medical treatment for a low back problem is the natural and probable consequence of his original injury. The Appeals Board concludes the natural and probable consequence issue relates to the nature and extent of claimant's injury which is not a jurisdictional issue listed in K.S.A. 44-534a. The jurisdictional issue as to whether claimant's low back injury was work related was not raised or argued by the claimant. The Appeals Board finds that the Special Administrative Law Judge did not exceed his jurisdiction when he denied this request. The Special Administrative Law Judge is specifically given the authority to grant or deny a request for medical compensation in a preliminary hearing order pending a full hearing on the claim. See K.S.A. 44-534a(a)(2). Additionally, the claimant has not raised the jurisdictional issue that is listed in K.S.A. 44-534a(a)(2) that grants Appeals Board review of the Preliminary Hearing Order. Accordingly, the Special Administrative Law Judge did not exceed his jurisdiction in denying the claimant's request for medical treatment.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Application for Review filed by the claimant is dismissed as the Appeals Board lacks jurisdiction to review the Preliminary Hearing Order of Special Administrative Law Judge Leroy C. Rose that denied the claimant's request for medical treatment.

IT IS SO ORDERED.

Dated this ____ day of December 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Steve Brooks, Liberal, Kansas
James McVay, Great Bend, Kansas
Leroy C. Rose, Special Administrative Law Judge
Philip S. Harness, Director